



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2433

DATE SCANNED 8/29/11

SCANNER NO. 2

SCAN OPERATOR EES

11092661506



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 MAR 31 A 10:27

March 30, 2011

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Acting Staff Director

FROM: Patricia Carrona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2010 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2010 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2011.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days but no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that all other political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

11092661507

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3/30/2011 4:47 PM

Federal Election Commission
Reason to Believe Circulation Report
2010 YEAR-END Not Election Sensitive 01/31/2011 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3/30/2011 4:47 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2433	C00484303	JOHNSON FOR CONGRESS	JOHNSON, HARRY CLAUD	HARRY JOHNSON	\$121,900	0		Not Filed	\$60,950 (est)	\$2,970
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11092661510

3/30/2011 4:47 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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11092661511

3/30/2011 4:47 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2464	C00475772	THE COMMITTEE TO ELECT DINO LAVERGHETTA	LAVERGHETTA, DINO	ROSE LAVERGHETTA	\$205,205	0		Not Filed	\$34,201 (est)	\$990

1109261512

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
Year-End Report for the Administrative)
Fine Program:)

[illegible]

51926015

[illegible]

Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 3

11092661514

JOHNSON FOR CONGRESS, and)	AF# 2433
HARRY JOHNSON as treasurer;)	

519261515

[illegible]

THE COMMITTEE TO ELECT DINO) AF# 2464
LAVERGHETTA, and LAVERGHETTA,)
ROSE as treasurer;)

Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 5

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 01, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 30, 2011, on the following committees:

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Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 6

11092661517

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Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 7

11092661518

Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 8

11092661519

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11092661520

[illegible]

1199261521

[illegible]

11092661522

AF#2433 Decided by a vote of 6-0 to: (1) find reason to believe that JOHNSON FOR CONGRESS, and HARRY JOHNSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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[illegible]

11092661524

Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 14

11092661525

11092661526

AF#2464 Decided by a vote of 6-0 to: (1) find reason to believe that THE COMMITTEE TO ELECT DINO LAVERGHETTA, and LAVERGHETTA, ROSE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Buterly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 16

Attest:

April 4, 2011
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary

11092661527



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2011

Harry Johnson, in official capacity as Treasurer
Johnson for Congress
P.O. Box 21884
Oklahoma City, OK 73156

C00484303
AF#: 2433

Dear Mr. Johnson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2010, was due no later than January 31, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2011, the FEC found that there is reason to believe ("RTB") that Johnson for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,970. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,970 is due within forty (40) days of the finding, or by May 11, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$60,950
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Johnson for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Piekeralt in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

11092661530

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,970 for the 2010 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 11, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Johnson for Congress

FEC ID#: C00484303

AF#: 2433

PAYMENT DUE DATE: May 11, 2011

PAYMENT AMOUNT DUE: \$2,970

11092661531

FEC OFFICE OF
ADMIN REVIEW

2011 APR 13 P 12:31

HARRY C. JOHNSON

YUKON, OKLAHOMA 73099

OR

P.O. Box 720368

Oklahoma City, OK 73172

Cynthia L. Bauerly, Chair
Office of Administrative review
Federal Election Commission
999 E Street NW
Washington, D C 20463

Re: C00484303 AF#2433

Dear Ms Bauerly:

It is the purpose of this letter to challenge the RTB Finding and Civil Money Penalty set forth in your letter of April 4, 2011.

As evidenced by the letter to me from Ms. Vickie Sue Davis, dated October 21, 2010, I filed the October Quarterly Report as a Termination Report. Since I received no communication from the FEC subsequent to that filing, I had no reason to believe it had not been accepted.

If the FEC's motivation is to insure that I have complied with its rules and regulations, I can prove that fact quite easily. All contributions and any personal funds advanced by me went to a bank lock box which the bank deposited in a special account. All expenditures were paid by checks drawn on that account. As stipulated in the Termination Report, I forgave the debt, which is of course my prerogative. Accordingly, I met the three conditions for termination.

The FEC may argue that I am at fault because the Commission used the post office box number for the bank lock box, which resulted in the return of Ms. Davis' letter of October 21, 2010. I would find that disingenuous, since it was not re-mailed until March 23, 2011; notwithstanding the fact that my file at the FEC contained my home address, my email address, my home telephone number and my cell phone number.

Although I stand ready to re-submit the 12 Day Pre-Primary Report and the October Quarterly/Termination Report if that is the Commission's desire, this all strikes me as *de minimis* in the extreme.

Sincerely,



Telephone:

Fax: 405-373-3232

Email:

11092661532



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

April 18, 2011

Harry Johnson, in his official capacity as Treasurer
Johnson for Congress
P.O. Box 21884
Oklahoma City, OK 73156

C00484303
AF#: 2433

Dear Mr. Johnson:

On April 13, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092661533

2011 APR 14 P 1:26

Date: April 13, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2433

Committee Name: Johnson for Congress

Committee ID#: C00484303

Committee Address (if different than in RTB letter): N

Treasurer Name (if different than in RTB finding): N

Attachments:

**Copy of RTB Circulation Report, dated March 30, 2011 and RTB Certification,
dated April 4, 2011 (Y/N): Y**

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Telecoms and Visitcoms in Response to RTB Letter (Y/N): Y

Attachment #: 3

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 Year End Report Prior Notice, dated December 27, 2010.

-Non-Filer Notice, dated February 16, 2011.

-RTB Letter, dated April 4, 2011.

Attachment #: 4

Other RAD Information: (Y/N): Y

Attachment#: 5

11092661534


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Track & Confirm

Search Results

Label/Receipt Number: EQ82 6640 127U S
 Guaranteed Delivery Date/Time: April 8, 2011, 12:00 PM
 Class: Express Mail®
 Status: Delivered

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[Go >](#)

Your item was delivered at 3:39 pm on April 07, 2011 in OKLAHOMA CITY, OK 73162. The item was signed for by M JOHNSON.

Detailed Results:

- Delivered, April 07, 2011, 3:39 pm, OKLAHOMA CITY, OK 73162
- Notice Left (No Authorized Recipient Available), April 07, 2011, 9:41 am, OKLAHOMA CITY, OK 73172
- Arrival at Post Office, April 07, 2011, 9:06 am, OKLAHOMA CITY, OK 73162
- Processed through Sort Facility, April 07, 2011, 7:41 am, OKLAHOMA CITY, OK 73125
- Processed through Sort Facility, April 06, 2011, 7:44 pm, CAPITOL HEIGHTS, MD 20790
- Processed through Sort Facility, April 06, 2011, 7:40 pm, LINTHICUM HEIGHTS, MD 21090
- Acceptance, April 06, 2011, 7:39 pm, CAPITOL HEIGHTS, MD 20790

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No FEAR Act EEO Data

FOIA

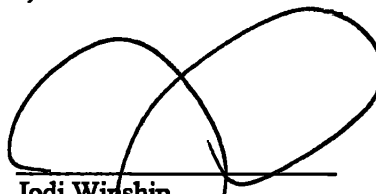

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DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Johnson for Congress:
 - A) Prior Notice, dated December 27, 2010, referencing the 2010 Year End Report
(sent via electronic mail to: HARRYJOHNSON715@SBCGLOBAL.NET);
 - B) Non-Filer Notice, dated February 16, 2011, referencing the 2010 Year End Report;
 - C) Reason-to-Believe Letter, dated April 4, 2011, referencing the 2010 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Johnson for Congress has not filed the 2010 Year End Report with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 13th day of April, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2010

CURRENT REPORT DUE

I. 2010 GENERAL ELECTION CANDIDATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & POSTING MAILING DEADLINE	FILING DEADLINE
Year-End	11/23/10 - 12/31/10	01/31/11	01/31/11

II. UNSUCCESSFUL 2010 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2010 ELECTIONS

REPORT	REPORTING PERIOD ¹	REG./CERT. & POSTING MAILING DEADLINE	FILING DEADLINE
Year-End	10/01/10 - 12/31/10	01/31/11	01/31/11

NOTE FOR COMMITTEES NOT REQUIRED TO FILE A POST-GENERAL ELECTION REPORT CHART II (see above)

For candidates who ran in 2010 but did not participate in the general election, the reporting period for the Year-End Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8). Committees should not use the normal Detailed Summary Page.

[Click here for Supplemental Filing Information](#)

[See Page 2 for 2011 Reporting Schedule](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

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REPORTING SCHEDULE FOR 2011

REPORT	CLOSE OF BOOKS ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/11	04/15/11	04/15/11
July Quarterly	06/30/11	07/15/11	07/15/11
October Quarterly	09/30/11	10/15/11	10/15/11 ²
Year-End	12/31/11	01/31/12	01/31/12

[Click here for Supplemental Filing Information](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2011. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.
See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).²

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 16, 2011

RQ-7

HARRY JOHNSON, TREASURER
JOHNSON FOR CONGRESS
PO BOX 21834
OKLAHOMA CITY, OK 731561884

IDENTIFICATION NUMBER: C00484303

REFERENCE: YEAR-END REPORT 9/23/2010 - 12/31/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 H STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR 104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT JAN WARDMAN AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

11092661541
11050573772



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 17, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2433 – Johnson for Congress and Harry Johnson, in his official capacity as Treasurer
(C00484303)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess no civil money penalty.

Reason-to-Believe Background

On April 1, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report and made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 4, 2011 to notify them of the Commission's RTB finding and civil money penalty. The letter was undeliverable at the address of record, therefore on April 6, a copy of the letter was sent to an alternate address previously provided by the respondents. The letter was successfully delivered on April 7.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On April 13, 2011, the Commission received the written response ("challenge") from Harry Johnson, Candidate and Treasurer, challenging the RTB finding and associated penalty. Mr. Johnson states that he filed the October Quarterly Report as a Termination Report and after not receiving further communication from the Commission, believed it had been accepted and concludes that he met the three conditions for termination. He also states the Commission used the "post office box number for the bank lock box," which resulted in the return of the Reports Analyst's letter that was not re-mailed until March 23, 2011.

Analysis

The respondents filed a Termination Report on September 22, 2010. After reviewing the report, a Request for Additional Information ("RFAI") dated October 21, 2010 and referencing the Termination Report was sent to the respondents' address of record. In a letter received at the Commission on April 5, 2011, Mr. Johnson explains that the post office box to which the letter was addressed was "allowed to expire" after he lost the primary on July 27, 2010.

In accordance with the Act, it is the responsibility of the respondents to provide the Commission with their address of record and report any change in that information no later than ten (10) days after the date of change. 11 C.F.R. § 102.2(a)(2). All Commission correspondence will be sent to the address disclosed on the Statement of Organization, as this is the Committee's official address of record. According to Commission records, the respondents did not update their address of record until April 20, 2011, when an amended Statement of Organization was received, providing a new address. Although the challenge is correct that the returned RFAI was not re-mailed until March 2011, had the respondents updated their address of record, as required by the Act, they would have received the October 21 RFAI more than three months before the Year End Report's January 31 deadline and been made aware of the corrections required before their Termination would be accepted. The RFAI also informed the respondents of their requirement to continue filing all reports until the corrections were approved.

In addition to the RFAI the Commission sent to inform the Committee of their need to continue filing, on December 27, 2010 the Commission sent the Report Notice for the 2010 Year End Report to "HARRYJOHNSON715@SBCGLOBAL.NET," the email address listed on their Statement of Organization. The "Who Must File" section on Page 3 of the notice states that a committee must file a termination report with the Commission and continue to file reports until the Commission notifies them in writing that their termination has been accepted. Additionally, on February 16, 2011, the Commission sent the respondents a non-filer notice at their address of record. The non-filer notice, likely returned because their address of record had not yet been updated, instructed the respondents to immediately file the Year End Report with the Commission and advised that the failure to file reports timely may result in civil money penalties.

Under the administrative fine regulations, one of the criteria used to calculate the civil money penalty is the level of activity. 11 C.F.R. § 111.43(d). At the time of the RTB finding for the Year End Report, the Commission had not received the respondents' report; therefore, the estimated level of activity (\$60,950) was used to calculate the RTB civil money penalty. 11 C.F.R. § 111.43(d)(2)(i). On June 17, 2011, the respondents faxed a copy of the report covering the Year End reporting period. It discloses no receipts and no disbursements, resulting in a level of activity of \$0 for the reporting period. Since the level of activity is \$0 and the schedule of civil money penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed against the respondents.

Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented

from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess no civil money penalty.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2433 involving Johnson for Congress and Harry Johnson, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2433 that Johnson for Congress and Harry Johnson, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$2,970); and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD, Telecom Provided with the Declaration, and
Memorandum to File

Attachment 3 – Declaration from OAR

FEC OFFICE OF
ADMIN REVIEW

2011 APR 13 PM 12:27

HARRY C. JOHNSON
13001 NORTH MORGAN ROAD
YUKON, OKLAHOMA 73099

OR
P.O. Box 720368
Oklahoma City, OK 73172

Cynthia L. Bauerly, Chair
Office of Administrative review
Federal Election Commission
999 E Street NW
Washington, D C 20463

Re: C00484303

Dear Ms Bauerly:

It is the purpose of this letter to challenge the RTB Finding and Civil Money Penalty set forth in your letter of April 4, 2011.

As evidenced by the letter to me from Ms. Vickie Sue Davis, dated October 21, 2010, I filed the October Quarterly Report as a Termination Report. Since I received no communication from the FEC subsequent to that filing, I had no reason to believe it had not been accepted.

If the FEC's motivation is to insure that I have complied with its rules and regulations, I can prove that fact quite easily. All contributions and any personal funds advanced by me went to a bank lock box which the bank deposited in a special account. All expenditures were paid by checks drawn on that account. As stipulated in the Termination Report, I forgave the debt, which is of course my prerogative. Accordingly, I met the three conditions for termination.

The FEC may argue that I am at fault because the Commission used the post office box number for the bank lock box, which resulted in the return of Ms. Davis' letter of October 21, 2010. I would find that disingenuous, since it was not re-mailed until March 23, 2011; notwithstanding the fact that my file at the FEC contained my home address, my email address, my home telephone number and my cell phone number.

Although I stand ready to re-submit the 12 Day Pre-Primary Report and the October Quarterly/Termination Report if that is the Commission's desire, this all strikes me as *de minimis* in the extreme.

Sincerely,



Telephone: 405-249-2479

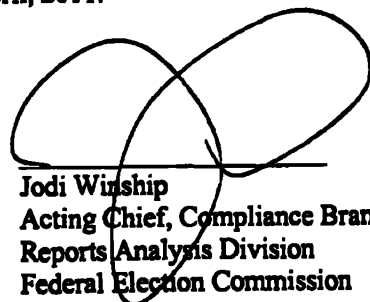
Fax: 405-373-3232

Email: harryjohnson715@sbcglobal.net

11092661545

DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Johnson for Congress:
 - A) Prior Notice, dated December 27, 2010, referencing the 2010 Year End Report
(sent via electronic mail to: HARRYJOHNSON715@SBCGLOBAL.NET);
 - B) Non-Filer Notice, dated February 16, 2011, referencing the 2010 Year End Report;
 - C) Reason-to-Believe Letter, dated April 4, 2011, referencing the 2010 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Johnson for Congress has not filed the 2010 Year End Report with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecems for the matter have been provided. This declaration was executed at Washington, D.C. on the 13th day of April, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

11092661546



YEAR-END

REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2010

CURRENT REPORT DUE

I. 2010 GENERAL ELECTION CANDIDATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	11/23/10.- 12/31/10	01/31/11	01/31/11

II. UNSUCCESSFUL 2010 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2010 ELECTIONS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	10/01/10 - 12/31/10	01/31/11	01/31/11

NOTE FOR COMMITTEES NOT REQUIRED TO FILE A POST-GENERAL ELECTION REPORT CHART II (see above)

For candidates who ran in 2010 but did not participate in the general election, the reporting period for the Year-End Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8). Committees should not use the normal Detailed Summary Page.

[Click here for Supplemental Filing Information](#)

[See Page 2 for 2011 Reporting Schedule](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

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REPORTING SCHEDULE FOR 2011

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/11	04/15/11	04/15/11
July Quarterly	06/30/11	07/15/11	¹ 07/15/11
October Quarterly	09/30/11	10/15/11	10/15/11
Year-End	12/31/11	01/31/12	01/31/12

[Click here for Supplemental Filing Information](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2011. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 16, 2011

RQ-7

HARRY JOHNSON, TREASURER
JOHNSON FOR CONGRESS
PO BOX 21884
OKLAHOMA CITY, OK 731561884

IDENTIFICATION NUMBER: C00484303

REFERENCE: YEAR-END REPORT 9/23/2010 - 12/31/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT RECENTLY FILLED REPORTS MUST BE SUBMITTED ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

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IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT THE WANNER AT OUR TOLL FREE NUMBER (800) 424-9530. OUR DIRECT LOCAL NUMBER IS (202) 694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

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11030573772



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2011

Harry Johnson, in official capacity as Treasurer
Johnson for Congress
P.O. Box 21884
Oklahoma City, OK 73156

C00484303
AF#: 2433

Dear Mr. Johnson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2010, was due no later than January 31, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2011, the FEC found that there is reason to believe ("RTB") that Johnson for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,970. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,970 is due within forty (40) days of the finding, or by May 11, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$60,950
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Johnson for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

11092661554

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,970 for the 2010 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 11, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Johnson for Congress

FEC ID#: C00484303

AF#: 2433

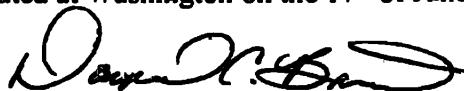
PAYMENT DUE DATE: May 11, 2011

PAYMENT AMOUNT DUE: \$2,970

11092661555

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 Year End Report is due January 31, 2011. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed. If the report is sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by overnight delivery service with an on-line tracking system, it must be postmarked by the close of business on January 31 to be timely filed. If sent by first class mail, it must be received by January 31 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - (a) Page 1 of the amended Statement of Organization filed by Johnson for Congress and Harry Johnson, in his official capacity as Treasurer. According to the Commission's records, the Statement, dated July 7, 2010, was received on July 28, 2010, and Line 1 lists the address of record as P.O. Box 21884, Oklahoma City, OK 73156-1884;
 - (b) Page 1 of the Termination Report electronically filed Johnson for Congress and Harry Johnson, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 8 through September 22, 2010 and was received on September 22, 2010;
 - (c) The Reports Analysis Division Request for Additional Information ("RFAI") RQ-2 sent to Harry Johnson, Treasurer, and Johnson for Congress. According to the Commission's records, the RFAI is dated October 21, 2010 and references the Termination Report (7/1/10-9/22/10);
 - (d) A letter filed by Johnson for Congress and Harry Johnson, in his official capacity as Treasurer. According to the Commission's records the letter, dated March 28, 2011, was received on April 5, 2011 and states the "lockbox was allowed to expire after I lost in the primary on July 27, 2010;"
 - (e) Page 1 of the paper copy of the amended Statement of Organization filed by Johnson for Congress and Harry Johnson, in his official capacity as Treasurer. According to the Commission's records, the paper copy, dated July 7, 2010, was received on April 20, 2011, and Line 1 lists the address of record as P.O. Box 720368, Oklahoma City, OK 73172; and
 - (f) 2 fax cover sheets and the Summary and Detailed Summary Pages of the fax copy of the 2010 Year End Report submitted by Johnson for Congress and Harry Johnson, in his official capacity as Treasurer. According to the Commission's records, the faxed copy covers the period from September 23 through December 31, 2010. Line 16 discloses \$0 in total receipts for the period. Line 22 discloses \$0 in total disbursements for the period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 17th of June, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092661556

11092661557

10030393927

RECEIVED
FEC MAIL CENTER

2010 JUL 28 AM 7:50

FEC
FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF
COMMITTEE (in full)



(Check if name
is changed)

Example: If typing, type
over the lines.

12F84M5

JOHNSON FOR CONGRESS

ADDRESS (number and street)

P.O. BOX 21884



(Check if address
is changed)

ALABAMA CITY

OK

73150-1884

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)



(Check if address
is changed)

harryjohnson715@sbcglobal.net

COMMITTEE'S WEB PAGE ADDRESS (URL)



(Check if address
is changed)

WWW.HARRYJOHNSONFORCONGRESS.COM

2. DATE

07

07

2010

3. FEC IDENTIFICATION NUMBER

C00484303

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

HARRY JOHNSON

Signature of Treasurer

Harry Johnson

Date

07

07

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-426-6530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the lines

Johnson For Congress

ADDRESS (number and street)

P O Box 21884

Check if different
than previously
reported. (ACC)

Oklahoma City

OK

73156

2. FEC IDENTIFICATION NUMBER

C00484303

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

OK

05

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

X Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

07

08

2010

through

09

22

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Harry Johnson

Signature of Treasurer

Electronically Filed by Harry Johnson

Date

09

22

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

11092661558



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

October 21, 2010

Harry Johnson, Treasurer
Johnson for Congress
PO Box 21884
Oklahoma City, OK 73156-1884

Response Due Date:
November 26, 2010

Identification Number: C00484303

Reference: Termination Report (7/1/10 - 9/22/10)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following 4 items:

1. The beginning cash balance of this report does not equal the ending balance of your 12 Day Pre-Primary Report. Please correct this discrepancy and amend all subsequent reports(s) that may be affected by the correction. (2 U.S.C. § 434)(b)(7))

2. Commission Regulations require the continuous reporting of all outstanding loans. This report omits the loan(s) itemized on your previous report(s). Please amend your report(s) to indicate the current status of the following loan(s): (11 CFR §§ 104.3(d) and 104.11)

Mr. Harry Johnson \$15,000.00

3. Your report discloses a negative ending cash balance of \$41,649.53. This suggests that you have overdrawn your account, made a mathematical error, or incurred a debt. If your committee has incurred a debt or obligation, please itemize this debt on Schedule D, show a zero balance on Line 8 of the Summary Page and include the amount on Line 10. If the negative ending cash balance is a result of an overdraft, it may constitute a prohibited bank contribution unless it is made on an account that has automatic overdraft protection with usual and customary interest rates and a definite repayment schedule. Please file an amendment to your report to

11092661559

10030464880

11092661560
10030464881

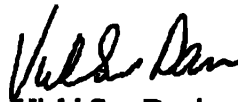
accurately disclose your financial activities. (2 U.S.C. § 434(b)(8) and 11 CFR § 104.3(d))

4. The Federal Election Commission's (FEC) preliminary review of your Termination Report raised questions concerning your request to terminate pursuant to 2 U.S.C. § 433(d) and 11 CFR § 102.3. In order to terminate your committee, you must file amendments to correct any problems on your Termination report and/or on any previous reports that still contain uncorrected errors or omissions. If you are not certain about what corrections need to be made, please contact me at your earliest convenience. Once the FEC receives and approves the corrections to your report(s), it will notify you. Until that time, you must continue to file all required reports.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1155.

Sincerely,



Vicki Sue Davis
Senior Campaign Finance Analyst
Reports Analysis Division

RECEIVED

28 APR -5 AM 8:01

FEC MAIL CENTER

HARRY C. JOHNSON
P. O. Box 720368
OKLAHOMA CITY, OK 72172

March 28, 2011

Vickie Sue Davis
Reports Analysis Division
Federal Election Commission
Washington, D. C.

Dear Ms. Davis:

Your letter dated October 21, 2010 arrived today, March 29, 2011. I note that you used the lock box address set up to isolate campaign contributions from all other mail. As indicated in the report of changes in campaign officers, the correct mailing address is Box 720368, Oklahoma City, OK 73172. The lock box was allowed to expire after I lost in the primary on July 27, 2010. That being said, it is my understanding that the U.S. Post Office is obliged to forward first class mail for one year if they have been furnished with a new address.

In so far as your letter is concerned, it is my position that I have complied with FEC regulations. As my Termination Report shows, I covered the deficit with a personal loan, which I subsequently forgave. I did notice that when reporting contributions of \$200 or less, the FEC software dropped them from the report. In all probability they were also dropped from the total contributions, which would distort the deficit.

Surely you must have more important things to do than nit pick the details of a \$50,000 campaign in the midst of a \$2.8 Billion sea of 2010 Congressional campaign expenditures.

Sincerely,



Telephone: 405-249-2479

Fax: 404-373-3232

Email: harryjohnson715@abcglobal.net

11092661561

11030590125

11092661562

11030601306

RECEIVED

FEC
FORM 1

STATEMENT OF
ORGANIZATION

2011 APR 20 AM 7:29

FEC MAIL CENTER

Office Use Only

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the first.

12FE4MS

JOHNSON FOR CONGRESS

ADDRESS (number and street)

PO BOX 2000 720368

☒

(Check if address
is changed)

OKLAHOMA CITY

OK

73172

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address
is changed)

harryjohnson715@shsglobal.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address
is changed)

www.harryjohnsonforcongress.com

2. DATE

07 07 2010

3. FEC IDENTIFICATION NUMBER

C00484303

4. IS THIS STATEMENT

☐

NEW (N)

OR

☒

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

HARRY JOHNSON

Signature of Treasurer

Harry Johnson

Date

07 07 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-426-6870
Local 202-454-1100

FEC FORM 1
(Revised 03/2009)

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

JOHNSON FOR CONGRESS

ADDRESS (number and street)

P.O. BOX 720368Check if different
than previously
reported. (ACC)OKLAHOMA CITYOK 73172-0368

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C004843033. IS THIS
REPORTXNEW
(N)

OR

AMENDED
(A)OK05

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

07 27 2010in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

11 03 2010in the
State of

5. Covering Period

09 23 2010

through

12 31 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

HARRY JOHNSON

Signature of Treasurer



Date

06 17 2011
15 of 12 31 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FESAND18

11092661563

SUMMARY PAGE of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

JOHNSON FOR CONGRESS

Report Covering the Period:

From:

09 23 2010

To:

12 31 2010

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a)) ...	NO	33,550.
(b) Total Contribution Refunds (from Line 20(b))		Zero
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	ACTIVITY	33,550.
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)		50,279.
(b) Total Offsets to Operating Expenditures (from Line 14)		Zero
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))		50,279.
8. Cash on Hand at Close of Reporting Period (from Line 27)	Zero	
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	Zero	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	Zero	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

JOHNSON FOR CONGRESS

Report Covering the Period:

From:

09 ' 23 ' 2010

To:

12 ' 31 ' 2010**I. RECEIPTS**

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A).....

(ii) Unitemized.....

(iii) TOTAL of contributions from individuals ▶

(b) Political Party Committees.....

(c) Other Political Committees (such as PACs).....

(d) The Candidate.....

(e) TOTAL CONTRIBUTIONS

(other than loans)
(add Lines 11(a)(ii), (b), (c), and (d))..**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES****13. LOANS: (Gross)**

(a) Made or Guaranteed by the Candidate.....

(b) All Other Loans.....

(c) TOTAL LOANS

(add Lines 13(a) and (b)).....

14. OFFSETS TO OPERATING EXPENDITURES
(Refunds, Rebates, etc.).....**15. OTHER RECEIPTS**
(Dividends, Interest, etc.).....**16. TOTAL RECEIPTS** (add Lines 11(e), 12, 13(c), 14, and 15)
(Carry Total to Line 24, page 4).....

NO Activity

↓

✓

31,600

1,950

33,550

Zero

Zero

Zero

33,550

Zero

21,442

None

21,442

Zero

Zero

56,434

11092661565

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	2 2 -	50,279.
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	2 NO 2 -	ZERO.
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidates.....	2 2 -	21,442.
(b) Of All Other Loans	2 None 2 -	None.
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	2 21,442 2 -	21,442.
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	2 2 -	ZERO.
(b) Political Party Committees.....	2 2 -	ZERO.
(c) Other Political Committees (such as PACs)	2 2 -	ZERO.
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	2 2 -	ZERO.
21. OTHER DISBURSEMENTS	2 2 -	ZERO.
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	2 50,279 2 -	50,279.

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	ZERO.
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	ZERO.
25. SUBTOTAL (add Line 23 and Line 24).....	ZERO.
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	ZERO.
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	ZERO.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA EXPRESS MAIL

June 20, 2011

Harry Johnson, in his official capacity as Treasurer
Johnson for Congress
P.O. Box 720368
Oklahoma City, OK 73172

C00484303
AF# 2433

Dear Mr. Johnson:

On April 1, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Johnson for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092661567



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2011 JUL -6 P 4: 10

July 6, 2011

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2433 – Johnson for Congress and Harry Johnson, in his official capacity as Treasurer (C00484303)

On April 1, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report. As a result, the Commission also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43. On April 13, 2011, the Commission received their written response ("challenge").

On June 17, 2011, the respondents faxed a copy of the report covering the Year End reporting period, which was received by the Commission via first class mail on June 27, 2011. The report disclosed \$0 in total receipts and \$0 in total disbursements. Since the report indicates that the Committee had no activity during reporting period, and the schedule of penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty would have been assessed had the report been filed prior to the RTB finding.

After reviewing the challenge, the Reviewing Officer's recommendation dated June 17, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and based on the actual level of activity for the Year End reporting period (\$0), assess no civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

11092661568

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2433 involving Johnson for Congress and Harry Johnson, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2433 that Johnson for Congress and Harry Johnson, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$2,970); and
- (3) Send the appropriate letter.

11092661569

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2433
Johnson for Congress and Harry Johnson,)
in his official capacity as Treasurer)
(C00484303))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 03, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2433:

1. Adopt the Reviewing Officer recommendation for AF# 2433 involving Johnson for Congress and Harry Johnson, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2433 that Johnson for Congress and Harry Johnson, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$2,970).
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

August 3, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092661570



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 5, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harry Johnson, in his official capacity as Treasurer
Johnson for Congress
P.O. Box 720368
Oklahoma City, OK 73172

C00484303
AF# 2433

Dear Mr. Johnson:

On April 1, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Johnson for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report. By letter dated April 4, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,970 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 13, 2011, the Office of Administrative Review received your written response, challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Johnson for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the paper copy of the Year End Report (\$0), assess no civil money penalty, in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 20, 2011.

On August 3, 2011, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Johnson for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the paper copy of the Year End Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$2,970). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to

11092661571

11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

11092661572



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2433

DATE SCANNED

8/29/11

SCANNER NO.

2

SCAN OPERATOR

EEJ

11092661573